Remarks/Arguments

Please reconsider the application in view of the above amendments and the following remarks. Applicant submits that the above amendment clearly places the claims into condition for allowance for the reasons stated below. Because no further consideration or search is required, applicant requests that the amendment be entered pursuant to 37 CFR 1.116. In the event that the examiner does not consider this amendment to place the claims into condition for allowance, applicant is filing a Notice of Appeal concurrently herewith.

Examiner Interview

Applicant appreciates the telephonic interview courteously granted by the examiner on July 21, 2004. In that interview, the examiner and applicant's attorney of record discussed the Falkenstein and Rogers patents and a proposed amendment. The examiner suggested that the amendment be filed.

Status of Claims

Claims 1-9 and 21-26 are rejected. Claims 1, 4, 6, and 21 have been amended. Claim 21 has been canceled.

Rejections under 35 U.S.C. §103

Claims 1, 3, 9, and 23-26 are rejected under 35 U.S.C. 103 as being unpatentable over U.S. Patent No. 4,707,066 to Falkenstein, et al. ("Falkenstein") in view of U.S. Patent No. 5,157,753 to Rogers, Jr. ("Rogers"). Applicant respectfully traverses this rejection.

Applicant respectfully submits that there is no motivation to combine Rogers with Falkenstein. Rogers teaches optical fibers 14 that are fluxless solder bonded at ends 16 to form a hermetically sealed optical fiber bundle with a supporting structure 18 surrounding the bundle. See Rogers, FIGS. 1 and 2, col. 3, lines 54-62. Nothing in Rogers, Falkenstein or any other prior art of record suggests that it would be desirable to use the fluxless solder bonded fiber bundle and supporting structure taught by Rogers with a single fiber extending through a tube R, as disclosed in Falkenstein. The fluxless solder bonding and supporting structure in Rogers is

designed for a bundle of fibers and would be unnecessary in the device disclosed in Falkenstein, which has only a single fiber L in a tube R.

Moreover, Falkenstein teaches away from the use of a bundle of fibers. The glass fiber bushing disclosed in Falkenstein appears to be designed specifically for a single glass fiber to allow the glass fiber tip S to be precisely adjusted. See Falkenstein, col. 5, lines 62-68. Modifying the tube R to accommodate a bundle of fibers with fluxless solder bonding and a supporting structure would likely render the glass fiber bushing disclosed by Falkenstein unsatisfactory for its intended purpose of precise adjustment and thus would not have been obvious. See MPEP 2143.01.

Applicant further submits that, even if Falkenstein and Rogers are combined, the combination fails to teach or suggest all of the claimed elements and limitations. For example, neither reference, taken alone or together, discloses or suggests "a fiber containing body having a passageway, wherein said optical fibers extend through said passageway in said fiber containing body," as recited in independent claim 1.

In discussing Falkenstein, the Office action states "Falkenstein discloses... a gas blocking device made of hot melt glue (col. 1, lines 65-67)." The adhesive referred to in column 1, lines 65-67 of Falkenstein is used to glue the glass fiber tip to a block close to the diode. This glue is not a gas blocking device having a passageway through which a plurality of fibers extend. In paragraph 9, the Office action states that "Rogers meets this limitation by providing a fiber containing body having a passageway and a sealing material contained in the passageway (fig. 2, ref. 10)." However, Rogers merely discloses an optical fiber bundle that is fluxless solder bonded at the ends 16 of the fibers and to a supporting structure 18. See Rogers, col. 3, lines 55-62. In Rogers, the fibers 14 do not extend through the supporting structure 18 but rather terminate at the supporting structure 18.

To further clarify the claimed invention, applicant has amended claim 1 to recite "said passageway including a wide portion and a narrow portion" and "wherein said plurality of optical fibers act as strength members that reinforce said sealing material within at least said narrow portion of said passageway." As mentioned in the specification on pages 7 and 8, the wide portion allows the material to flow into the narrow portion where the sealing takes place

and where the fibers act as strength members and provide reinforcement. The supporting structure 18 in Rogers does not have such a configuration.

With respect to independent method claim 23, neither Falkenstein, nor Rogers, discloses or suggests the claimed method comprising "securing a gas blocking device to one end of an optical fiber holding tube; inserting a plurality of optical fibers through said optical fiber holding tube and through said gas blocking device;.... and installing said optical fiber holding tube and said gas blocking device into said housing such that said fibers exit said gas blocking device into said housing." As mentioned above, the glue used in Falkenstein to attach the glass fiber tip is not a gas blocking device and is not secured to an end of a tube. Thus, there is no gas blocking device structure in Falkenstein. The supporting structure 18 in Rogers is not secured to an optical fiber holding tube, and the fibers are not inserted through the supporting structure 18. See, FIG. 1. To the contrary, the fiber bundle assembly is placed within the supporting structure such that the end face of the optical fiber bundle assembly is flush with the front face of the supporting structure. See Rogers, col. 5, lines 68, and col. 6, lines 1-5.

For these reasons, applicant submits that the Office action fails to establish a *prima facie* case of obviousness. Accordingly, applicant requests that the rejection of claims 1, 3, 9 and 23-26 under 35 U.S.C. 103 be withdrawn.

Claims 2 and 4-8 are rejected under 35 U.S.C. 103 as being unpatentable over Falkenstein and Rogers in view of U.S. Patent No. 5,613,031 to Tanabe, et al. ("Tanabe"). Claims 21 and 22 are rejected under 35 U.S.C. 103 as being unpatentable over Falkenstein, Rogers and Tanabe and further in view of U.S. Patent No. 4,657,346 to Berry et al. ("Berry"). Applicant respectfully traverses these rejections.

Applicant submits that the dependent claims 2 and 4-8 are not obvious for the same reasons discussed above with respect to independent claims 1 and 23. Accordingly, applicant requests that these rejections of claims 2, 4-8, 21 and 22 under 35 U.S.C. 103 be withdrawn.

Conclusion

Applicant believes that this paper is responsive to each and every ground of rejection cited by the Examiner in the Action dated February 28, 2004 and respectfully requests favorable action in this application. The examiner is invited to telephone the undersigned, applicant's attorney of record, to facilitate advancement of the present application.

Respectfully submitted,

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